Remarks

This Response is considered fully responsive to the Office Action mailed February 8, 2007. Claims 1-29 were pending in the application. Claims 1-29 stand rejected. The Specification and claims 4-6 were objected to. In this Response, the Specification and claims 1, 4-6, 8-18, and 26-29 are amended to correct minor typographical errors, to clarify claim language, or to place them in better form. No new matter has been added. Claims 1-29 are now pending in the application. Reexamination and reconsideration are requested.

Objections to the Specification

The Office has objected to the disclosure because of an informality. In view of Applicants' amendment to the Specification, reconsideration and withdrawal of this objection are respectfully requested.

Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 4-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants have amended claims 4-6 to provide proper antecedent basis for each limitation in each of claims 4-6. Accordingly, reconsideration and withdrawal of the rejection of claims 4-6 under 35 U.S.C. §112 are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 6-19, and 21-29 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,151,643 to Cheng, et al. ("Cheng"). All rejections are respectfully traversed.

With respect to independent claim 1, at page 3 of the Office, the Office alleges that Cheng teaches "storing a data structure that defines hardware resources and software resources of a local device" at a computer associated with the local device, and Cheng at Fig. 7, reference numeral 709 and col. 10, lines 55-60 are cited in support of this allegation. Applicants, however, respectfully disagree.

Cheng is directed to the automatic updating of diverse software products on multiple client computer systems by downloading a scanning application to client computer and generating a _software list_ on the client computer. According to Cheng, a service provider computer system stores an "update database" that includes information about available software

updates available from different vendors. Cheng at Abstract. A client computer is analyzed to determine the software installed or stored on the client computer, "and using this information, determines from the database, which products have updates available, based on product name and release information for the installed products." Cheng at Abstract. A user may then select updates for installation. Applicants respectfully submit that Cheng provides no teaching of analyzing hardware resources in a local computer or device.

Cheng at col. 10, lines 55-60, cited in the rejection of independent claim 1, discusses the update database 709 of Cheng. Specifically, the cited portion of Cheng states that "the update database 709 may also store information describing an installation process for installing a software update. This information may include particular configuration, file format, or other data useful to performing the installation of the software update [for] the client computer 101." Thus, any configuration information potentially stored by Cheng relates to software update installation processes, and not the actual hardware configuration of the local device. Contrary to the Office's allegation, update database 709 of Cheng does not relate to or store a data structure that defines hardware resources of the local device. Rather, Cheng teaches that update database 709 stores "information identifying a large number of software products, information about the software updates that are available from the diverse software product vendors for these software products, information for identifying software products installed on a client computer 101, and for uniquely distinguishing the versions and names of installed software products." Cheng at col. 10, lines 26-32.

The Office also alleges that Cheng teaches that "information of the data structure that defines the hardware resources and software resources of the local device is transmitted to the remote service distribution system," and cites Cheng at col. 7, lines 55-64 in support of this allegation. Applicants respectfully disagree.

First, as discussed above, Cheng fails to teach the storage of a data structure that defines hardware resources, thus such a data structure cannot be transmitted to the remote service distribution system. Further, Applicants respectfully submit that Cheng fails to teach the transmission of any data structures relating to the local device to the remote service distribution system. Rather, Cheng teaches that the client application 104, which is stored on the client (or local) computer 101 creates a list of software products installed on the client computer. *See* Cheng at col. 7, lines 46-54. Cheng teaches that the client application determines "if there is an

applicable, or relevant update for the software product[s]" in the list. Cheng at col. 7, lines 55-56. Cheng merely states that "[t]his determination is made in consultation with the service provider computer 102, which maintains… a database including a list of available software updates for numerous software products of diverse software vendors." Cheng at col. 7, lines 56-61. As Cheng explicitly teaches that the client application 104 installed on the client computer 101 determines what software updates are available, Applicants submit that, based on the teachings of Cheng, it is unnecessary to transmit resource information regarding the local device to the remote service distribution system. Accordingly, contrary to the allegations of the Office, Cheng provides no teaching that the list of software products installed on the client computer is transmitted to the remote service distribution system.

For at least these reasons, Applicants respectfully submit that independent claim 1, and those claims depending directly or indirectly therefrom, patentably distinguish over the cited art. Applicants request reconsideration and withdrawal of the rejection of independent claim 1 and those claims depending directly or indirectly therefrom is respectfully requested. Allowance is respectfully requested.

Applicants have amended independent claim 8 to clarify that the resource analysis module is configured to analyze <u>hardware</u> resources on the remote device in relation to at least one service. In the rejection of independent claim 8, the Office alleges that a resource analysis module is taught by Cheng at col. 13, lines 61-63. Applicants respectfully note that system analyzer 907, as taught by Cheng, merely analyzes "the client computer 101 to determine the list of installed software products." Cheng at col. 13, lines 62-63. The specific system analysis process is discussed in Cheng at col. 13, line 64 to col. 14, line 64. Applicants respectfully submit, however, that this system analysis process relates <u>only</u> to the determination of installed software products. Thus, Cheng provides no teaching of a resource analysis module configured to analyze hardware resources on a remote device in relation to the at least one service, as recited in amended independent claim 8.

Applicants respectfully submit that independent claim 8, and those claims depending directly or indirectly therefrom, patentably distinguish over the cited art. Applicants request reconsideration and withdrawal of the rejection of independent claim 8 and those claims depending directly or indirectly therefrom is respectfully requested. Allowance is respectfully requested.

The Office rejected independent claim 18 at page 6 of the Office Action. Specifically, the Office alleges that Cheng teaches "identifying hardware resources on the remote device," and Cheng at col. 13, lines 55-57 is cited in support of this allegation. Further, the Office alleges that Cheng teaches "displaying a list of available services that are compatible with the hardware resources on the remote device," and cites Cheng at col. 14, line 66 and col. 15, lines 1-4 in support of this allegation. Applicants respectfully disagree.

As discussed above with respect to independent claims 1 and 8, Cheng fails to provide any teaching of identification or storage of information relating to hardware resources on the remote device. Cheng at col. 13, lines 55-57, which the Office relies upon in this rejection, merely states that "The analyze process is performed by the system analyzer 907 of the client application 104." The system analysis process, explained by Cheng at col. 13, line 64 to col. 14, line 64, merely includes the identification of software installed on the remote computer.

Regarding the allegations that Cheng teaches displaying a list of available services compatible with the hardware resources on the remote device, Applicants respectfully submit that Cheng merely teaches displaying a list of available services compatible with the software installed on the remote device. The list of compatible services generated by Cheng can not be based on hardware resources, as Cheng fails to teach any determination of hardware resources or storage of any information pertaining to hardware resources of the remote device.

For at least these reasons, Applicants respectfully submit that independent claim 18, and those claims depending directly or indirectly therefrom, patentably distinguish over the cited art. Applicants request reconsideration and withdrawal of the rejection of independent claim 18 and those claims depending directly or indirectly therefrom is respectfully requested. Allowance is respectfully requested.

Applicants have amended independent claim 26 to clarify that the method includes "identifying hardware and software resources available on the remote device," "analyzing hardware and software resources available on the remote device in relation to services available on the service distribution system" and "displaying a list of services that would enhance the hardware and software resources available on the remote device." Applicants respectfully submit that, as discussed above with respect to independent claims 1, 8, and 18, Cheng fails to teach the identification of hardware resources available on the remote device, the analysis of hardware resources available on the remote device in relation to services available on the service

distribution system, or displaying a list of services that would enhance the hardware resources available on the remote device.

Further, while the Office alleges that Cheng teaches "displaying a list of services that would enhance the resources available on the remote device" and cites Cheng at col. 14, line 66, and col. 15, lines 1-4 in support of this allegation, Applicants respectfully disagree. Cheng merely teaches displaying a list of available updates for software installed on the remote device. Cheng provides no teaching of providing a list of services that would "enhance" the resources available on the remote device.

For at least these reasons, Applicants respectfully submit that independent claim 26, and those claims depending directly or indirectly therefrom, patentably distinguish over the cited art. Applicants request reconsideration and withdrawal of the rejection of independent claim 26 and those claims depending directly or indirectly therefrom is respectfully requested. Allowance is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,643 to Cheng, et al. ("Cheng"). This rejection is respectfully traversed.

As the rejection of claim 5 fails to cure the deficiencies set forth above with respect to independent claim 1, from which claim 5 depends, Applicants respectfully submit that dependent claim 5 patentably distinguishes over the cited art for at least the same reasons as independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of dependent claim 5. Allowance is respectfully requested.

The Examiner has rejected claim 20 under 35 U.S.C. § 103(a), as being unpatentable over Cheng in view of U.S. Patent No. 6,167,567 to Chiles, et al. ("Chiles"). This rejection is respectfully traversed.

Claim 20 depends directly from independent claim 18. Applicants respectfully submit that the teachings of Chiles fail to cure the deficiencies of Cheng discussed above with respect to independent claim 18. Accordingly, Applicants respectfully submit that dependent claim 20 patentably distinguishes over the cited art for at least the same reasons as independent claim 18. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of dependent claim 20. Allowance is respectfully requested.

Conclusion

Claims 1-29 are currently pending in the application. Applicants have fully responded to each and every objection and rejection in the Office action dated February 8, 2007 and believes that claims 1-29 are in a condition for allowance. Applicants therefore request that a timely Notice of Allowance be issued in this case.

Applicants believe no other fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 as necessary.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney. If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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